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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

KYLE SAWYER, Individually and on
 behalf of all others similarly situated,

 Plaintiff,

 v.

 BILL ME LATER, INC.; EBAY INC.,
 PAYPAL, INC., and DOES 1-100,

 Defendants.

No. CV-10-4461 SJO (JCGx)

DECLARATION OF SHANA E.
 SCARLETT IN SUPPORT OF
 JOINT STIPULATION RE
 PLAINTIFF'S MOTION TO
 COMPEL PRODUCTION OF
 DOCUMENTS FROM
 DEFENDANTS' PRIVILEGE LOG

DATE: September 20, 2011
 TIME: 2:00pm
 DEPT: Courtroom A, 8th Floor
 JUDGE: Hon. Jay C. Gandhi

Date Action Filed: May 21, 2010
 Court Removed: June 17, 2010

1 I, SHANA E. SCARLETT, declare as follows:

2 1. I am a member of the law firm of Hagens Berman Sobol Shapiro LLP,
3 counsel of record for Plaintiff in the above-entitled action. I have personal
4 knowledge of the matters stated herein and, if called upon, I could and would
5 competently testify thereto.

6 2. On August 9, 2011, the parties met and conferred regarding Defendants'
7 Privilege Log.

8 3. During the meet and confer, Plaintiff asked whether Defendants and the
9 various third parties to whom purportedly privileged documents were disclosed had
10 signed confidentiality agreements or joint defense agreements. Defendants failed to
11 respond.

12 4. When Plaintiff challenged Defendants' claimed privilege over
13 documents on the grounds that the documents were "used to provide legal advice,"
14 Defendants did not assert that their entries were included as a mistake, but confirmed
15 their belief that documents transmitted from an attorney to its client are privileged,
16 regardless of whether the document itself is privileged.

17 5. During the meet and confer, Plaintiff indicated that he did not seek to
18 know about "the fact of the transmission" of any underlying non-privileged
19 document, but merely seeks the non-privileged documents themselves.

20 6. Attached hereto are true and correct copies of the following exhibits:

21 Exhibit A: Order Regarding Discovery and Briefing Schedule, dated March
22 30, 2011;

23 Exhibit B: Letter of Shana Scarlett to Katherine Robison Re Privilege Log,
24 dated August 1, 2011;

25 Exhibit C: Letter of Katherine Robison to Shana Scarlett Re Privilege Log,
26 dated August 9, 2011;

1 Exhibit D: Letter of Katherine Robison to Shana Scarlett Re Privilege Log,
2 dated August 12, 2011;

3 Exhibit E: Defendants' Revised Privilege Log, dated August 12, 2011;

4 Exhibit F: Page Excerpt from Promontory Financial Group's Official
5 Website at [http:// www/promontory.com](http://www.promontory.com);

6 Exhibit G: Page Excerpt from Treliant Risk Advisors' Official Website at
7 [http:// www.treliant.com](http://www.treliant.com);

8 Exhibit H: Excerpts from Defendants' Privilege Log, dated July 15, 2011;
9 and

10 Exhibit I: Defendant Bill Me Later, Inc.'s Response to Plaintiff's First Set
11 of Requests for Production of Documents, dated February 28,
12 2011.

13 I declare under penalty of perjury under the laws of the United States that the
14 foregoing is true and correct.

15 Executed this 25th day of August 2011, at Berkeley, California.

16
17
18 /s/ Shana E. Scarlett
SHANA E. SCARLETT

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses registered, as denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/ Shana E. Scarlett
SHANA E. SCARLETT

Mailing Information for a Case 2:10-cv-04461-SJO-JCG

Electronic Mail Notice List

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Manual Notice List

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- (No manual recipients)